

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 SOUTHERN DIVISION
4
5
6 WALLACE DWAYNE PETERSON, JR.,
7 Plaintiff,
8 VERSUS CIVIL ACTION NO: 1:20-cv-216-HSO-RHWR
9
10 PEARL RIVER COUNTY,
11 MISSISSIPPI; DAVID ALLISON,
12 Individually; and JOHN AND
13 JANE DOES 1-10, Individually,
14 Defendants.
15
16
17 DEPOSITION OF SHANE TUCKER
18 Taken at the Pearl River County Sheriff's
19 Department, 171 Savannah Millard Road,
20 Poplarville, Mississippi, on Monday,
21 November 8, 2021, beginning at 1:36 p.m.
22
23
24
25

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ALSO PRESENT: Wallace D. Peterson, Jr.

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19

20 REPORTED BY:

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1 STIPULATION

2 It is hereby stipulated and agreed by and
3 between the parties hereto, through their
4 respective attorneys of record, that this
5 deposition may be taken at the time and place
6 hereinbefore set forth, by Natalie R. Seymour,
7 Court Reporter and Notary Public, pursuant to the
8 Federal Rules of Civil Procedure, as amended;

9 That the formality of READING AND SIGNING is
10 specifically WAIVED;

11 That all objections, except as to the form of
12 the questions and the responsiveness of the
13 answers, are reserved until such time as this
14 deposition, or any part thereof, may be used or is
15 sought to be used in evidence.

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1 (Exhibit 1 was marked.)

2 - - -

3 SHANE TUCKER,

4 having been first duly sworn, was
5 examined and testified as follows:

6 - - -

7 EXAMINATION

8 BY MR. HOLDER:

9 Q. Mr. Tucker, I don't know if you want me
10 to call you Officer Tucker, Shane.

11 A. Shane is fine.

12 Q. Okay. I'll call you Shane.

13 My name is Morgan Holder. I represent
14 Mr. Peterson in this case. I'm sure you're pretty
15 familiar with the proceedings, but I'm going to
16 ask you a series of questions. Try to provide
17 verbal answers so she can get it down. You know,
18 head nods and uh-huhs and nuh-uhs are difficult to
19 ascertain for the record, so just try to be clear
20 with verbalizing your answers.

21 If you don't understand a question that
22 I ask, just get me to repeat it; because I'm prone
23 to asking some, you know, stupid questions or
24 unclear questions or ambiguous questions. So if
25 you don't understand what I'm asking you, just ask

1 me to restate it and I'll do the best that I can
2 so you can understand that.

3 Let's start just by stating your full
4 name, for the record.

5 A. Terrence Shane Tucker.

6 Q. So you were the Terrence Tucker that's
7 referenced in the CAD report from the incident
8 involving Mr. Peterson? If there's a Terrence
9 Tucker, there's not another one, is there?

10 A. No. Two Shanes. I go by Shane. It's
11 my middle name.

12 Q. I got you. Have you ever had your
13 deposition taken before?

14 A. I have.

15 Q. How many times?

16 A. Twice, if I remember correctly.

17 Q. And when was the most recent time you
18 had your deposition taken?

19 A. It was in Slidell. My best guess would
20 be eight to ten years ago.

21 Q. So it's been quite some time?

22 A. Yes, sir.

23 Q. Was that in the official law enforcement
24 capacity that that deposition was taken, or was
25 that a private matter?

1 A. It was.

2 Q. Tell me about this. Tell me how long
3 you've been in law enforcement.

4 A. Twenty-eight years. I'm not in it now.
5 I'm retired.

6 Q. Oh, you're retired?

7 A. I am.

8 Q. And when did you retire?

9 A. December 13th of 2019.

10 Q. Are you enjoying retirement?

11 A. Yes, sir.

12 Q. Good for you. I'll never get to retire.

13 And where did you begin your career in
14 law enforcement?

15 A. I started at Forrest County Sheriff's
16 Department, worked there for about two years.
17 Then I worked for the Hattiesburg Police
18 Department for 12-and-a-half years, and then I
19 finished my career here at Pearl River
20 County -- oh, I'm sorry. I missed one. From
21 Hattiesburg PD, I worked for the district
22 attorney's office here in Poplarville for about a
23 year and a half. And then Sheriff Allison got
24 elected, and I got hired here in December of '07.

25 Q. So you worked here about 12 years?

1 A. Yes, sir.

2 Q. And over the course of 28 years, I'm
3 assuming that you were involved in the execution
4 of numerous search warrants?

5 A. Yes, sir.

6 Q. Let me ask you this first so we can
7 streamline this. When you retired in December of
8 '19, were you in the same position you were in in
9 August of the same year?

10 A. Yes, sir.

11 Q. Okay. And what was that position?

12 A. I was the chief deputy of the sheriff's
13 department.

14 Q. And did you know Wallace Peterson at
15 that time?

16 A. The only time I met Mr. Peterson was on
17 the search warrant.

18 Q. Now, before you came in here today, did
19 you review any materials?

20 A. No, sir.

21 Q. Have you discussed your deposition today
22 with anybody other than Mr. Martin?

23 A. No, sir.

24 Q. I think it was Officer Stachura, in his
25 deposition, he testified that you would have been

1 responsible at the time for any policies and
2 procedures that were in place with the sheriff's
3 department. Would that be accurate?

4 A. It would be.

5 Q. Okay. Did y'all have any policies and
6 procedures for, you know, the execution of search
7 warrants?

8 A. Yes, sir.

9 Q. And did they require an operations plan
10 be in place?

11 A. Most likely, yes, sir. If you're going
12 to ask me some things, I've forgotten a lot of
13 stuff, details. But, yeah, I would expect that
14 there would have been in place.

15 Q. And when you develop these things, I'm
16 assuming that you itemize, you know, previous
17 policies and procedures manuals from this
18 department and maybe other law enforcement offices
19 to guide you through it?

20 A. As far as developing policies, yes.

21 Q. Do you recall whose department you might
22 have used when you were developing these policies
23 and procedures?

24 A. At the time, the standards and training
25 for Mississippi had a template for policy and

1 procedure, and I think they also developed that
2 into an accreditation system for the State, as
3 well. So it was that model policy program that
4 was used.

5 Q. Okay. And what about, did you develop a
6 policy and procedure on the use of body cams?

7 A. Yes, sir. I think we did, yeah.
8 Uh-huh.

9 Q. And in August of 2019, can you just
10 briefly describe what the policies and procedures
11 stated insofar as the use or the utilization of
12 body cameras?

13 A. Mainly -- as I recall, mainly it was for
14 patrol deputies, uniformed officers. I believe
15 our narcotics guys may have had them. I really
16 don't remember if they did or not. As far as the
17 policy went, I don't remember the specifics of the
18 policy.

19 For me, development of policy at the
20 time was, you know, not one of my favorite things
21 to do. It was necessary, but I do recall that we
22 didn't have a hard, fast policy where anytime
23 there was interaction with the public, the body
24 cams needed to be activated. So there was some
25 leeway in that policy, and I don't remember the

1 actual wordage, you know, in the policy itself.

2 Q. So you're saying there was no
3 hard-and-fast rule about when they would be
4 activated and when they weren't?

5 A. Outside of patrol, I can't think of any.

6 Q. Let's just say, for instance, in this
7 case, in the execution of a search warrant, where
8 there's several officers going out to a residence
9 and a combination of patrol deputies and SWAT team
10 and narcotics members. Would that be something
11 that would be encouraged or required to be turned
12 on if they had them?

13 A. I really don't remember specifics of the
14 policy to say -- to answer that correctly. I just
15 don't.

16 Q. Do you recall if anybody had them on
17 that day?

18 A. I don't.

19 Q. Do you recall if you did?

20 A. I didn't even have one.

21 Q. Okay. Do you recall if Officer Edgar
22 had one?

23 A. Officer --

24 Q. Edgar.

25 A. I don't remember the specifics of -- I

1 mean, I remember the day and I remember
2 some -- you know, some of the events of that day,
3 but I don't remember if anyone had or used a body
4 camera that day.

5 Q. And rather than ask you about each
6 individual one, do you recall anybody out there
7 that you are certain would have had one?

8 A. That I'm certain, no, sir.

9 Q. And when I say -- let me clarify that
10 question. Do you recall anybody that day that you
11 were certain would have been equipped with one,
12 not necessarily are certain they had it on?

13 A. No, sir.

14 Q. And on that day, you were the chief
15 deputy. Were you the direct supervisor for Ryan
16 Stachura?

17 A. Yeah. I'm trying to remember the flow
18 chart, the organizational chart that day. It was
19 either me and/or the sheriff, I think, is the way
20 that was initiated, so yeah.

21 Q. All right. I'm going to just get
22 straight to the events that took place on
23 August 23rd, which is -- I'll represent is the
24 date that the search warrant was executed at
25 Mr. Peterson's residence.

1 Do you recall meeting with anybody
2 beforehand?

3 A. Before the search warrant?

4 Q. Correct.

5 A. I don't remember where exactly, if it
6 was, you know, in this old courtroom next door,
7 the old justice courtroom, or if it was in
8 narcotics, but we did meet and go over, you know,
9 a plan, operation plan.

10 Q. All right. And do you recall the
11 specifics of that plan?

12 A. I don't. I just know -- I know somebody
13 was watching the mobile home, I guess, that was
14 the target of the search warrant.

15 Q. And this was the time that y'all were
16 formulating the plan, somebody was there. Is that
17 what you're saying?

18 A. Yes, sir. To my recollection, somebody
19 actually had eyes on the location of the warrant.

20 Q. Do you recall outside the person or
21 persons that were watching the residence, whether
22 everybody else that's involved in executing the
23 warrant was present at this operations meeting?

24 A. I'm pretty sure, yes, sir. I mean, I
25 can't answer that 100 percent, but I'm pretty sure

1 everybody would have been there, yes.

2 Q. Can you tell me with 100 percent
3 certainty you recall being at that meeting?

4 A. I really don't. I mean, I don't
5 remember. I don't even remember who was at the
6 warrant.

7 Q. Do you recall who was leading that
8 meeting?

9 A. I believe it was Ryan.

10 Q. Okay. And during that meeting, is that
11 when you learned what your role would be in the
12 execution of this warrant, or was this something
13 you had already discussed before?

14 A. No, we didn't discuss it before. Like I
15 said, I didn't know anything about Mr. Peterson.
16 I didn't even know the location until this
17 briefing was held.

18 Q. So you didn't know anything about the
19 investigation at all until the day of this
20 meeting?

21 A. I remember hearing Mr. Peterson's name
22 previously from Ryan, but I -- you know, just that
23 he was a target of investigation. I don't even
24 know if that was specific to this particular
25 warrant, but it was someone that they had, you

1 know, looked at or investigated.

2 Q. All right. Well, take me to -- let's go
3 to the scene. You arrive at Mr. Peterson's
4 residence. Tell me specifically what you recall
5 from that point forward.

6 A. Okay. I'm pretty sure Shane Edgar was
7 the lead in what we would call the stack, I guess.
8 It was our Special Response Team, or at least
9 members of it, that made the entry on the trailer.
10 If I recall, Shane Edgar was first in that, and I
11 think I was either second or third.

12 So I would have been right behind Shane
13 or there would have been a person in between, but
14 I'm pretty sure I was right behind Shane in that
15 stack. And I really don't remember for certain
16 any order past that.

17 And understand this is something -- I
18 don't want to say it was something we did every
19 day, but it was a fairly regular thing for us on
20 these warrants, you know, to set up an operation
21 and go execute that. So there wasn't really any
22 reason for this to stand out for me, is why I
23 don't remember a lot of specifics here.

24 So the door was -- I don't even know.
25 The door might have been unlocked. I don't

1 remember how entry was made, if the door was
2 breached or if the door was unlocked; but I
3 remember once the door was open, Shane went in. I
4 pushed in behind him. He immediately went to the
5 couch, because Mr. Peterson was on the couch. If
6 I remember, he was -- he was coming up out of a
7 prone -- you know, he was laying on the couch,
8 maybe on his side or something.

9 By the time I actually caught sight of
10 him, he was sitting up and reached for a bottle on
11 a table. He was pretty startled, and I would say
12 probably within a second or two, Shane already had
13 him and brought him around. There might have
14 been -- I don't remember if there was a coffee
15 table in front of the couch, some kind of a table
16 there of some sort; but if there was, he brought
17 him around to the other side of that, onto the
18 living room floor and put him facedown on the
19 floor.

20 So all of this is probably two to three
21 seconds. And my responsibility then, because he
22 had the situation under control, was to push
23 through to make sure there was nobody else in the
24 residence. So we went through the kitchen. I say
25 "we" because whoever was behind me in the stack

1 pushed up through the kitchen and down the hallway
2 and eventually, I think -- I don't remember if
3 there was another bedroom there on the left or
4 not, but there was a master bedroom in the back,
5 and then there was a bathroom, I think, on the
6 very end of the trailer behind the master bedroom.

7 So we continued to search for
8 individuals at that time just to secure the scene,
9 and there was nobody else in the -- in the home.

10 Q. When you walked in, did you go to the
11 left, or did you go to the right?

12 A. To the left.

13 Q. And did you have your gun drawn?

14 A. Yeah. Yeah, we all had our weapons.

15 Q. And Edgar had his firearm drawn, as
16 well?

17 A. Yes, sir.

18 Q. Do you recall what kind of firearms
19 y'all were carrying?

20 A. On that particular event, no.

21 Typically I just carried a handgun. It
22 wasn't very frequently I used a long gun,
23 especially in a mobile home.

24 Q. Do you recall anybody else that was
25 carrying a long gun?

1 A. I can't tell you who. I mean, I can
2 only tell you that usually somebody, at least one
3 or two people in the stack, had a long gun, but I
4 couldn't tell you that particular day, no.

5 Q. And after you secured the residence, did
6 you ever observe Mr. Peterson again?

7 A. Yeah. When I came back -- once we
8 cleared that end of the trailer and everybody
9 pretty much sounded all clear -- because there
10 might have been another bedroom on the opposite
11 side to the right when you went in the door. I
12 think there was another bedroom and maybe even a
13 bathroom there that somebody else had cleared.

14 So the all clear was announced.
15 Mr. Peterson was all secure, and there was nobody
16 else in the home. So we came back through into
17 the living room and --

18 Q. And Wallace was still in the living room
19 at that point?

20 A. Yeah, I'm trying to remember. I really
21 don't remember the details as far as whether he
22 was standing up at that point or he was still on
23 the ground or what -- or on the floor, I meant.
24 But it seems like he might have had a bloody nose
25 or something. I think there was blood coming from

1 his nose or his lip or something, which to me
2 wasn't a concern because I saw him go facedown on
3 the floor in the living room.

4 Q. When you say you saw him go facedown on
5 the floor, describe that to me.

6 A. Shane had grabbed him. And, like I
7 said, this all happened probably within about two
8 seconds that he was in, had grabbed him and
9 basically just forced him to the floor in the
10 living room. So he went facedown into the living
11 room floor, and we pushed on up through the
12 kitchen.

13 Q. Do you recall what Wallace was wearing?

14 A. Not specifically. I don't think -- I
15 don't think he had much on. I don't even think he
16 had a shirt on, but I can't be sure. He might
17 have had shorts, but I'm not sure if he had a
18 shirt or not.

19 Q. Was anybody else involved in forcing him
20 to the ground, handcuffing him?

21 A. No, sir.

22 Q. It was only Officer Edgar?

23 A. Well, I don't know about handcuffing
24 now. I can't answer that. But I can tell you
25 that what I saw within that couple of seconds that

1 happened is when Shane grabbed him, he had him.

2 I don't remember if Mr. Peterson dropped
3 the bottle. I don't remember exactly how that
4 went, but I remember he -- Shane's a big guy.
5 He's kind of one of them, I think -- a lot of us
6 nicknamed him Ogre, you know, because he just -- I
7 mean, he's not like a bodybuilder. He's just a
8 big fellow. He picked Wallace up and put him down
9 on the floor. I don't know.

10 Q. When you say he picked him up, did he
11 pick him up off the ground and throw him down on
12 the floor?

13 A. I don't know if he's that strong. I
14 mean, I can't say his feet left the floor, but he
15 put him down face first, with force. I mean, it
16 wasn't -- you know, everything is very quick, and
17 it needs to be done, you know, in a hurry to get
18 things secured.

19 Q. Well, did you notice Wallace asleep at
20 any point in time when y'all walked in?

21 A. No, he wasn't asleep. He probably was
22 sleeping, but I can't tell you what -- he was
23 sitting up at the time. When we came through the
24 door, he was sitting up. And I think the bottle
25 was actually not on the coffee table, as I

1 remember, but there might have been a table on the
2 end of the couch. He grabbed the bottle. I mean,
3 about the time he's grabbing the bottle, Shane's
4 already on him.

5 Q. So let me ask you this: When y'all
6 breached the door, what was said?

7 A. "Sheriff's department, search warrant."

8 Q. And who was saying it?

9 A. Everybody in the stack as we come
10 through the door.

11 Q. And all of y'all's guns are drawn?

12 A. Yes, sir.

13 Q. And then Mr. Peterson, whether he was
14 asleep or not, at some point in time observes
15 everybody coming in with their guns drawn; is that
16 right?

17 A. Well, that's what I saw. He was sitting
18 up, so --

19 Q. And in response, he grabbed a wine
20 bottle?

21 A. I don't know what kind of bottle it was,
22 but it was a bottle.

23 Q. And what did he do with the bottle?

24 A. Well, by the time he grabbed it to pick
25 it up and have it in his hand, Shane was already

1 on him.

2 Q. Okay. So Shane was on him
3 simultaneously to him grabbing the bottle,
4 basically?

5 A. Very close, yes. He had the bottle in
6 his hand, but, you know, before he could swing or
7 do anything with it, Shane was on him.

8 Q. Do you know what happened with that
9 bottle?

10 A. I don't.

11 Q. Do you know if it broke?

12 A. I don't.

13 Like I said, I saw him take Wallace to
14 the floor, and by that time, we had pushed up to
15 the kitchen. So anything else that happened with
16 the bottle or anything, we were already in the
17 other room. I mean, I would venture to say that
18 we cleared the whole house in -- I don't
19 know -- maybe seven or eight seconds, ten at the
20 most.

21 Q. Do you recall what the bottle looked
22 like?

23 A. No, sir.

24 Q. Do you know if it had, like, a wrapper
25 on it or a label of some sort?

1 A. It could have been a beer bottle. It
2 could have been a wine bottle. I just don't know
3 what it was.

4 Q. All right. Did you interview anybody or
5 were you interviewed by anybody about the events
6 that took place during the execution of this
7 warrant?

8 A. I don't understand what you mean.

9 Q. Well, let's just say, for record keeping
10 purposes -- law enforcement official record
11 keeping purposes, was there anybody that was
12 interviewed about the execution of this warrant by
13 you?

14 A. No, sir.

15 Q. Was there anybody that interviewed you
16 insofar as asking what happened when y'all made
17 entry?

18 A. Not that I recall, no, sir.

19 Q. Do you know who was responsible for
20 doing the incident report?

21 A. I would assume Ryan. As I recall, he's
22 the one that gave the briefing. And that's
23 usually done by the case agent, typically. Not
24 always, but typically.

25 Q. And would you say Ryan was in a position

1 to observe these events or not?

2 A. Sir, I can't tell you where Ryan was. I
3 really don't know. I can tell you where I was in
4 the stack.

5 Q. Was he close to you in the stack?

6 A. No. I don't think he would have been in
7 the stack, because I think we used our Special
8 Response Team members in that, to the best of my
9 recollection.

10 So I don't remember exactly who all was
11 there. If I had -- my best guess was that Tyler
12 Tate was behind me. I'm almost certain it was him
13 behind me, but -- and Shane was in front of me.

14 Q. Let me ask it this way. If the events
15 giving rise to Mr. Peterson being taken to the
16 floor by Officer Edgar and then handcuffed or
17 whatever, if that only took a few seconds and Ryan
18 was not near you in the stack, he couldn't have
19 possibly observed what happened, I guess is what
20 I'm saying?

21 MR. MARTIN: Object to the form. You
22 can answer if you know.

23 A. I don't know. I don't know where Ryan
24 was.

25 BY MR. HOLDER:

1 Q. Could he have observed it if he was not
2 in your general vicinity?

3 A. Could he have observed what?

4 Q. Mr. Peterson being taken down by Officer
5 Edgar.

6 A. I don't see how, no. Because I was the
7 second one in the door, or third. Pretty sure it
8 was second, though.

9 Q. Did you ever hear Officer Edgar or
10 anybody else -- during that initial breach into
11 his residence, did anybody ever tell him he was
12 under arrest?

13 A. I don't remember.

14 Q. Let me ask you this: Did you ever see a
15 copy of the search warrant?

16 A. I can't -- I don't remember for sure if
17 I did. At some point I probably did. I may have
18 even reviewed this case after it was submitted for
19 approval, but -- which when you asked me earlier
20 about the chain of command, there was a point in
21 time where Ryan answered to the -- directly
22 answered to the chief investigator. And I'm not
23 sure if that occurred before or after this event.

24 Q. Who would that have been?

25 A. Mark Ogden was the chief investigator.

1 And that's just a technical issue. So what I'm
2 saying is there was a time where the narcotics
3 reports were reviewed by me, and then there was a
4 time where the narcotics reports were reviewed and
5 approved by the chief investigator.

6 Q. But to your knowledge, you didn't -- you
7 don't recall speaking to Ryan about exactly what
8 went on in there between Officer Edgar and
9 Mr. Peterson?

10 A. You talking about after the fact?

11 Q. That day. After the fact, that day,
12 yeah.

13 A. Most of the conversation after the fact
14 was -- now, I was outside the trailer a good bit
15 of that time, but most of the conversation after
16 the fact was basically just trying to find what
17 they went there to look for.

18 Q. Okay. And when you say you were outside
19 a lot of the time after that, did you see
20 Mr. Peterson outside?

21 A. Yeah. He was actually in the backseat
22 of a patrol car.

23 Q. Do you know whose car that was?

24 A. No, I don't. It was a marked car.

25 Q. Could you see him in there?

1 A. Yeah.

2 Q. Was he still bleeding?

3 A. You know, I don't remember. Actively
4 bleeding, I don't think so; because if he was
5 still bleeding, I think we would have called an
6 ambulance for him.

7 Like I told you earlier, I do remember
8 seeing, I -- I think it was a bloody nose. It
9 could have been his lip. He had blood around his
10 nose and mouth area. It wasn't, like, flowing,
11 streaming blood.

12 Q. What you're saying is if he was still
13 bleeding, y'all would have called an ambulance?

14 A. Yes, sir.

15 Q. Were you out there the entire time,
16 until basically everybody left?

17 A. I'm pretty sure I was, yes, sir.

18 Q. Were you inside when they had
19 Mr. Peterson re-enter the residence to unlock the
20 safe?

21 A. I was, yeah.

22 Q. Were you inside the room when he
23 unlocked the safe?

24 A. Yes, sir.

25 Q. Do you recall what was in there?

1 A. I don't. I couldn't even tell you what
2 the safe looked like.

3 Q. Would you describe it as, like, a little
4 safe or, like, a big 'ol gun safe?

5 A. I don't know. I don't even remember
6 what it looked like.

7 MR. HOLDER: I'm going to have this one
8 marked as 2. This is the Investigative
9 Report.

10 - - -

11 (Exhibit 2 was marked.)

12 BY MR. HOLDER:

13 Q. All right. I'm going to hand you this.
14 This is the Investigative Report that was drafted
15 on August the 23rd, 2019, which would be the same
16 day as the execution of the warrant. I'm going to
17 flip through to Page -- this is 12 pages. I'm
18 going to flip through to Page 10 of 12 here. I'm
19 just going to have you read Paragraph 27 real
20 quick. I'll give you a few seconds to read that.
21 I'm going to try to find my copy while you're
22 doing it.

23 Have you had a chance to look at that?

24 A. Yes, sir.

25 Q. And do you see on the bottom of that

1 page the reporting officer?

2 A. Yeah, Ryan Stachura.

3 Q. Does that mean the officer that drafted
4 the report?

5 A. Yes, sir.

6 Q. And then reviewing supervisor, would
7 that have been you?

8 A. Yeah, that's right.

9 Q. So tell me, just generally speaking,
10 when you review a report like this, do you kind of
11 just read it to ensure everything's in there that
12 needs to be in there and then just sign off on it?
13 How does that process normally work?

14 A. Yeah, I mean, it's a criminal case. So,
15 you know, at the time I would have been ensuring
16 that all the articles that needed to be in the
17 report were there, you know, so the search
18 warrant, the affidavit and all of those items are
19 attached with the report and the report itself,
20 you know, is correct, you know, as far as --
21 mostly as far as grammar and that it makes sense,
22 the verbiage is there and the facts of the case
23 are there.

24 Q. Okay. And do you know who Ryan talked
25 to prior to drafting this report?

1 A. Who he talked to?

2 Q. Yes.

3 A. As far as the investigation goes?

4 Q. No, specifically this paragraph. Who
5 would have provided this information to him in
6 Paragraph 27?

7 A. I would assume the people that made
8 entry into -- you know, into the trailer.

9 Q. And that's why I asked you earlier had
10 you been interviewed by anybody. You don't recall
11 him interviewing you about this?

12 A. I don't. If he asked me, I don't
13 remember that conversation.

14 Q. Okay. But you would agree that it's
15 important, you know, to do accurate reports;
16 right?

17 A. Yes, sir.

18 Q. That's stressed and highlighted ad
19 nauseam in all of your law enforcement training;
20 is that right?

21 A. Yes, sir.

22 Q. You would agree when they entered, he
23 was sleeping on the couch; is that correct?

24 A. It does say that, yes.

25 Q. You would agree that it says Peterson

1 was struck by a SWAT deputy; is that correct?

2 A. It does say that, yes, sir.

3 Q. And then at the end, on the bottom of
4 that page, it says, after Peterson was taken into
5 custody. Do you see that?

6 A. Yeah.

7 Q. Do you know what he was being taken into
8 custody for?

9 A. No, I don't. I can't answer that.

10 Q. Do you recall if Sheriff Allison was
11 present?

12 A. At some point he was, yes, sir. I do
13 remember him being there.

14 Q. Do you recall if he was, you know, part
15 of the initial stack that went inside?

16 A. No, he wasn't. And I only say that
17 because he never was.

18 Q. So as custom would go, he was not part
19 of the team that would make the initial entry?

20 A. Never a part of the entry team, no.

21 MR. HOLDER: Let me mark this as an
22 exhibit, please. This is the CAD detail.

23 - - -

24 (Exhibit 3 was marked.)

25 BY MR. HOLDER:

1 Q. I'm going to hand you what's been marked
2 as Exhibit 3, Shane. That's the CAD detail on
3 that day.

4 If an officer is reporting as of that
5 day to execute a search warrant, do they call in
6 the dispatch to, you know, whatever you want to
7 call it, 10-8, whatever it is, to basically report
8 for duty, so to speak?

9 A. On this specific incident, no. They
10 would have that. The person would have already
11 been on duty first thing that morning.

12 Q. All right. Let me just ask you this,
13 then. How would these specific officers, their
14 identities and report times and whatnot be
15 included in this CAD report? Generally speaking,
16 how does that work?

17 A. Either they were listed by the deputy
18 that was in charge -- so in this case it would
19 have been Ryan would have given them names of
20 people who were on scene. So typically that's how
21 it works.

22 Because normally on these search
23 warrants, the briefing is done obviously at a
24 different location than the target. Oftentimes
25 they're done here at the sheriff's department

1 somewhere. And that's when everyone knows the
2 location, the reason for the warrant, for the
3 search warrant and who's responsible for what
4 area, whether that's entry or searching or
5 whatever the case may be.

6 Q. For instance, how do they differentiate
7 between, you know, a certain officer showing up at
8 9:18 here and somebody showing up at 9:34?

9 A. Radio traffic.

10 Q. So it is radio traffic that alerts
11 dispatch who needs to be reported on that?

12 A. Yes, in most cases.

13 I can tell you if I were in charge of a
14 search warrant and we were going to a location, I
15 would call dispatch and say, hey, we're going to
16 123 Main Street; this is who's with me. And then
17 right before we get there, before we turn into
18 that location, I'll radio and say, you know, we're
19 here, you know, we've arrived. So then they have
20 a time when all of those people have arrived at a
21 scene.

22 Now, you may also have people that leave
23 early or that arrive late that call in
24 individually and say, I'm now here, or I was here,
25 but now I'm leaving. So you can have different

1 times based on one group call and individual radio
2 calls.

3 Q. Do you know if there was a K9 officer
4 there?

5 A. Could have been. I don't remember.

6 Q. Okay. Was David Bean a K9 officer?

7 A. He was, yes.

8 Q. Do you recall if he was there?

9 A. Looking at this, it says he was.

10 Q. Look, I'm not trying to trick you.
11 There's been a lot of confusion about the CAD
12 report because we know that certain officers
13 weren't there that were included and certain
14 officers were that were not included. Generally
15 speaking, I'm trying to understand exactly how it
16 works in Pearl River County.

17 A. Right. It may sound evasive, but I'm
18 just telling you the memory that I have of this.
19 We ran search warrants fairly regularly, so this
20 was one of many others. It just didn't stand out
21 as anything that's going to seed in my memory. So
22 there's some things I remember about it, but not a
23 lot.

24 Q. So there wasn't anything exceptional
25 about this particular warrant that sticks out in

1 your mind?

2 A. No.

3 Q. Did you have any advance information
4 that Mr. Peterson might have been dangerous in any
5 way?

6 A. I don't recall. That would have been in
7 a briefing, but I don't recall if there was any
8 mention of any weapons or anything like that. I
9 don't remember.

10 MR. HOLDER: Let me take, like, a
11 three-minute comfort break. I'm wrapping it
12 up extremely shortly thereafter.

13 (Off the record.)

14 BY MR. HOLDER:

15 Q. All right. Were you involved in any of
16 the photographs that were taken at the scene?

17 A. No, sir.

18 Q. Do you know who did photograph the
19 scene?

20 A. No, sir.

21 Q. Did you see anybody taking photographs?

22 A. I don't remember. I'm sure there were,
23 but I don't remember who that was.

24 Q. Generally speaking, who would be the
25 person that's responsible for taking photographs?

1 A. One of the narcotics guys. They shared
2 responsibility, you know, on search warrants. If
3 it wasn't the case agent, he would assign someone
4 else to do other tasks.

5 Q. And from the time y'all breached the
6 front door -- whether it was unlocked, y'all broke
7 it up, that's not relevant. I don't care. But
8 from the time y'all breached the door and y'all
9 stepped inside, how many seconds would you say
10 elapsed from that time and the time Mr. Peterson
11 was on the ground?

12 A. Maybe three.

13 Q. And you said all of y'all, you, Edgar in
14 front of you and whoever was behind you -- I think
15 you said you thought it was Officer Tate?

16 A. I believe it was.

17 Q. And y'all all had y'all's weapons drawn?

18 A. Yes.

19 MR. HOLDER: That's all I have, Lance.

20 - - -

21 EXAMINATION

22 BY MR. MARTIN:

23 Q. All right, Chief. I just want to step
24 through a couple of things here. Earlier
25 Mr. Holder was asking you about policies and

1 procedures, and you had mentioned that you hadn't
2 reviewed any documents prior to this deposition.

3 Did you review the policies and
4 procedures related to search warrants before you
5 came in here today?

6 A. I haven't looked at that stuff since
7 before I retired.

8 Q. You used two words. You said you would
9 expect certain things to be in there, but you
10 can't say with certainty. Was that correct?

11 A. Correct.

12 Q. And as you sit here this morning, you
13 don't have all of those committed to memory?

14 A. I do not.

15 Q. You also went on to say about the
16 policies and procedures, that it was not your
17 favorite thing, but it was necessary. With it not
18 being your favorite thing, did that in any way
19 cause you to shirk your responsibility or duties
20 related to those policies and procedures?

21 A. No, sir. No, sir.

22 Q. Would you describe for me what the Pearl
23 River County Special Response Team is?

24 A. Yeah, we were a -- we trained regularly
25 for instances that are normally beyond the

1 capability of our patrol deputies or
2 investigators. Some of that responsibility
3 included warrants or high-risk warrants, could be
4 hostage takers, negotiations, things of that
5 nature, that would require some more specialized
6 tactical and negotiation-type skills.

7 Q. Do you recall how many officers were on
8 the SRT, ballpark?

9 A. At that time?

10 Q. Uh-huh.

11 A. Not exactly, but maybe eight to ten.

12 Q. Okay. What would the qualifications to
13 be on that team be?

14 A. At that time, you had to have -- we
15 didn't allow anyone to even apply for the team
16 until they had two years of full-time law
17 enforcement experience. And then there was a
18 tryout period. So those included some physical
19 skill levels and also some proficiency with
20 firearm training. You didn't have to be an
21 expert, but you had to have some proficiency to
22 work with.

23 Q. I got you. Right. And once the
24 officers were selected, did you have any
25 subsequent training as a team?

1 A. Yes, sir. Yeah, we trained eight hours
2 a month -- at least eight hours a month.

3 Q. And what would have been some of the
4 things that you trained on?

5 A. Entry protocol. We've been to different
6 types of schools and training outside of the
7 agency. We've trained with explosives and
8 breaching equipment and tools, tactics, just
9 several different aspects of laying out plans, you
10 know, operational plans and things of that nature.

11 Q. To your recollection, as you sit here
12 today, was Shane Edgar on the SRT?

13 A. He was.

14 Q. What about a Tyler Tate?

15 A. He was also.

16 Q. And yourself?

17 A. Yes, sir.

18 Q. What about Rob Williams?

19 A. He was.

20 Q. What about Daniel Quave?

21 A. Yes, sir.

22 Q. Anybody else immediately come to mind,
23 other than those names that I mentioned, that
24 might have been on the SRT that day?

25 A. That was at the warrant that day?

1 Q. To your knowledge.

2 A. You mentioned those guys. I couldn't
3 even tell you if they were all there. I'm pretty
4 sure Rob was.

5 Q. Was Investigator Stachura a member of
6 the SRT?

7 A. No, sir.

8 Q. You mentioned just now your training
9 related to entry. Tell me what a standard entry
10 looks like, you know, stack approaching the door,
11 yada, yada, yada. Kind of step me through what
12 that's like.

13 A. Okay. Well, the stack basically -- and
14 every case is different. Every structure is
15 different. So your stack oftentimes is placed in
16 an order to use certain members' specialty skill
17 sets for a particular structure. So some people
18 are particularly good at breaching. So you would
19 have a breacher. You have some people that are
20 just -- they're extremely fit, fast and they think
21 quickly, which everybody on the team should have
22 that to some degree. So you want, you know, some
23 of your best guys typically -- I'll say except for
24 this case -- typically are going to be towards the
25 front of the stack because you're going to have to

1 manhandle.

2 A lot of times people don't listen or
3 they freeze or different things happen. People
4 have different reactions when you go in. Also,
5 there's stun devices or things of that nature that
6 are used in some instances, as well.

7 So your stack is based on those
8 specialties. So I don't know how far you want to
9 go.

10 Q. No, that's good. That's getting us
11 where I want to go.

12 I do want to back up. You just
13 mentioned not in this case with a little bit of
14 chuckle. Were you referring to yourself at that
15 point in time?

16 A. Yes, sir. Yeah.

17 Q. I take that, then, as a little
18 self-deprecation?

19 A. I was the old guy, but I was in pretty
20 good shape.

21 Q. But there hadn't been anything up to the
22 execution of the warrant on this day that would
23 have made you unfit to be an officer?

24 A. No, sir. I didn't intend for that to
25 sound that way.

1 Q. Right. When you're in a stack, for lack
2 of a better term, is it single file, or is it
3 stacked? Like, how are you guys positioned
4 outside the door?

5 A. Typically it's single file.

6 And the premise is the doorway is not
7 the place you want to be for very long at all. So
8 the idea is to push people through that doorway.
9 I say "push." I don't mean literally push, but,
10 you know, move yourself through, each individual
11 very quickly, because it's what they call the
12 fatal funnel. It's basically a target.

13 If somebody has got a weapon, they know
14 where their door is, and that's where they're
15 going to be firing. So once you move through the
16 door, you pick a direction. And this is so fluid
17 and so fast that you have to think and react very
18 quickly.

19 So just from my perspective and what I
20 can tell you, just even in this instance, is
21 things happen so fast, that I have dual
22 responsibility coming in the door behind Shane.
23 One is -- he's already addressed a target, let's
24 say. So Mr. Peterson is sitting up on the couch,
25 has something in his hand, you know, that can be

1 used as a weapon and Shane has got him and grabbed
2 him. Now, at that point, I've got to decide does
3 Shane need help, does he have it under control, or
4 do I need to address any other people that could
5 be coming out with weapons.

6 And at that point, my decision was that
7 Shane had it under control and went on to address
8 any other potential -- and everybody else is doing
9 the same thing. And we try not to do things
10 alone.

11 Q. And you said you entered and went left;
12 is that correct?

13 A. Yes, sir.

14 Q. Is there anything to suggest, like, why
15 you should make that decision, left versus right?

16 A. No. It just -- that was the biggest,
17 open area, and it needed to be addressed. So I
18 knew somebody behind me is going to go the
19 opposite way.

20 Having worked with these guys and gone
21 through the situation, everybody has a job. We're
22 always looking for work. By that, I mean what's
23 next, what do we have to take care of, what room,
24 what area needs to be addressed so we can get this
25 secure and safe.

1 Q. Got it. What's your protocol as you're
2 outside the door prior to entry related to your
3 firearms? Explain that to me.

4 A. Okay. Again, different people carry
5 different weapons in different scenarios. I think
6 I mentioned in this case it was a mobile home. I
7 don't use a long gun in a mobile home. That's
8 just my personal preference because, you know,
9 it's thin walls and so on. Usually we have
10 perimeter officers outside that are watching
11 windows and back doors and things like that to
12 make sure nobody flees.

13 So I don't like to use a long gun that's
14 going to probably have more penetration for safety
15 purposes.

16 Q. Sure.

17 A. I don't remember on this who had what
18 weapon. It's kind of an individual choice.
19 Sometimes it's good to have a long gun in case you
20 meet force with somebody with a long gun. You
21 don't want to get in a gunfight when all you have
22 is a handgun with somebody with an assault rifle.

23 Q. Is it standard to have guns drawn prior
24 to entry?

25 A. It is.

1 Q. And why would that be?

2 A. You don't know what the threat is on the
3 other side of the door, and reaction times are
4 very -- well, they can save your life.

5 Q. Right.

6 A. The tactical response in that position
7 is, you know, the noise, the force, the speed,
8 everything to disorient the person that's on the
9 other side. When they're disoriented, it gives
10 you that second or two before their mind starts
11 to, okay, here's how I need to react. So it gives
12 us time. It's kind of like a stun device in a
13 sense.

14 Q. Okay. Earlier you said that you've
15 executed lots of search warrants before; is that
16 correct?

17 A. Yes, sir.

18 Q. About how many did you say? I know you
19 didn't give a specific figure, but --

20 A. I don't even know. Eighty to 100,
21 maybe.

22 Q. Was there anything about the execution
23 of this warrant that was unusual to you?

24 A. No, sir.

25 Q. When, again, to the best of your

1 recollection, did the all clear announcement come
2 after breach?

3 A. I think it would have taken us maybe
4 eight to ten seconds tops to clear that. And so
5 since we were on one end -- and I say "we." Me
6 and I assume Tyler, since we cleared the far end
7 all the way to the bathroom, when we got to the
8 very end of that structure, somebody else had
9 reached the other end of the structure on the
10 other side to clear all the rooms in between.
11 Then we would yell "all clear" on our end. We
12 would get the all clear, and then everybody is all
13 clear.

14 Q. And then once you hear "all clear," then
15 what's your --

16 A. Things, you know, settle down.
17 Everybody can take a breath. You know, anybody
18 that needs to be secured is secured. There's no
19 other threats available. Everybody can dial it
20 down and start the work that needs to be done
21 related to the warrant.

22 Q. Got it. Do you have, like, a set rally
23 point whenever you hear an "all clear" where
24 everybody reconvenes?

25 A. No, sir.

1 Q. Earlier you said that Deputy Edgar took
2 down Mr. Peterson in a hurry?

3 A. Yes, sir.

4 Q. In that situation, why would timing
5 and/or speed be a factor?

6 A. Well, one is you don't want to give any
7 person with a weapon a chance to use it. And
8 that's the main issue. Secondly is we don't know
9 what other threats are available, so every
10 threat --

11 And we use these words not in an
12 aggressive manner. I'm just telling you just how
13 we refer to people on the other side of a door
14 that we don't know. They're all potential threats
15 to us. We don't know how many threats are there
16 after that first one is dealt with and a second
17 one and a third. So they have to be done quickly
18 so that we can have that support for other
19 potential threats or more unmanageable threats.

20 Q. You mentioned that, you know, Sheriff
21 Allison was there at some point in time. Do you
22 recall when you first saw him, when you first saw
23 Sheriff Allison?

24 A. I spent most of the time -- after the
25 initial entry was made and everything was clear, I

1 helped them inside. I think I was actually back
2 in the master bedroom for a little bit looking
3 around. I didn't find anything during my search.

4 So I went outside, started poking
5 around. The sheriff was talking to some people.
6 I think Mr. Peterson's -- I want to say it was his
7 grandparents, maybe his grandmother. Maybe she
8 worked for Hancock or Harrison County -- I don't
9 know -- maybe as a court clerk or something. I
10 don't remember what she was saying, but I remember
11 having a conversation. The sheriff was there
12 talking with her, and I want to say his father may
13 have come up also and talked with the sheriff.
14 But I was kind of really just out there with him.

15 So I knew he was out there. And that's
16 where I think I spent probably most of the time,
17 was outside. And I do also remember looking
18 around fence lines and different areas outside. I
19 want to say there might have been a little kind of
20 shed of some sort, little kind of structure. I
21 was just looking for hiding places.

22 Q. After the all clear, do you remember
23 seeing the sheriff in the living room?

24 A. I don't remember. He could have been.
25 I don't remember.

1 Q. Was Sheriff Allison in front of you in
2 the stack?

3 A. No, sir.

4 Q. To your knowledge, as you sit here
5 today, was he in the stack immediately behind you?

6 A. No, sir.

7 Q. And why would that not have been?

8 A. We didn't put anybody in a stack that
9 didn't have the level of training and safety that
10 you needed to have for those instances.

11 And I don't mean to speak negatively.
12 It just wasn't his thing. He wasn't trained. He
13 wasn't in those situations. Frankly, we didn't
14 want him in those situations because of his
15 position, number one. You don't want your leader,
16 you know, out in front for the potential to be
17 harmed or anything else. That never happened.

18 Q. Mr. Holder asked you about your sign-off
19 of the Investigative Report.

20 A. Yes, sir.

21 Q. But you also indicated that you don't
22 recall Investigator Stachura asking you any
23 questions about that. Is that a fair assessment
24 of what I heard earlier?

25 A. On this warrant?

1 Q. Yes.

2 A. I don't remember any specific
3 conversations with anyone. Again, there's just
4 nothing that stood out for this to seed in my
5 memory.

6 Q. As that reviewing officer, had there
7 been something that you needed to make sure was in
8 the report, would you have had opportunity to do
9 that after Ryan had drafted it?

10 A. You talking about when I reviewed it?

11 Q. Yes.

12 A. Yeah, I've sent back reports before for
13 missing information or some typographical issues
14 or grammatical, you know, that type of thing. So
15 I've rejected reports that need to later have
16 those items corrected or added and resubmitted.

17 Q. One last question. Earlier you
18 mentioned a model policy that you guys used as
19 kind of like a template. Do you remember which
20 organization placed that template out in
21 circulation?

22 A. Standards and training for the State of
23 Mississippi actually put that out, that policy. I
24 don't recall the name of the company that
25 developed it.

1 MR. MARTIN: Thank you, sir. No further
2 questions.

3 - - -

4 FURTHER EXAMINATION

5 BY MR. HOLDER:

6 Q. Going back to the report that Lance was
7 just asking you about, Shane, the report states
8 that there was a forced entry. What does that
9 mean to you, forced entry, in that report?

10 A. Forced entry, that we had to breach the
11 door.

12 Q. By breaching the door, what exactly do
13 you mean?

14 A. Well, if the door was locked, didn't
15 readily open, then we would either pry it or use a
16 ram or some other device to breach or open the
17 door so we could get through it.

18 Q. And if the door was unlocked, would the
19 term "forced entry" be used?

20 A. Not likely.

21 Q. And do you recall if this was a no-knock
22 warrant or not?

23 A. I don't.

24 Q. Do you recall if y'all knocked?

25 A. I don't.

1 Q. Do you recall how long it was from the
2 time y'all approached the door until the time
3 y'all were inside the door?

4 A. Again, a few seconds. Typically
5 it's -- everyone as soon as we hit park, we're
6 bailing out and actually running to the position
7 of the door.

8 Q. In this stack, you indicated, you know,
9 it's predominately a single-file-line type of
10 approach. I mean, are y'all basically shoulder to
11 shoulder?

12 A. I've got a hand on the guy's shoulder.

13 Q. So you're within an arm's length at the
14 very most?

15 A. Yes, sir.

16 Q. Y'all are that close together, stacked
17 up?

18 A. Uh-huh.

19 MR. HOLDER: That's all I have.

20 - - -

21 (Deposition concluded at 2:51 p.m.)

22

23

24

25



1 CERTIFICATE OF COURT REPORTER

2 I, NATALIE R. SEYMOUR, Court Reporter and
3 Notary Public, in and for the County of Harrison,
4 State of Mississippi, hereby certify that the
5 foregoing pages, and including this page, contain a
6 true and correct transcript of the testimony of the
7 witness, as taken by me at the time and place
8 heretofore stated, and later reduced to typewritten
9 form by computer-aided transcription under my
10 supervision, to the best of my skill and ability.

11 I further certify that I placed the witness
12 under oath to truthfully answer all questions in
13 this matter under the authority vested in me by the
14 State of Mississippi.

15 I further certify that I am not in the employ
16 of, or related to, any counsel or party in this
17 matter, and have no interest, monetary or
18 otherwise, in the final outcome of the proceedings.

19 Witness my signature and seal, this the 18th
20 day of November, 2021.

21 
22 

23
24 Natalie R. Seymour, CSR #1637
25 My commission expires 6/12/2022.

Exhibits	A		
Exhibit 1 3:8 5:1	accreditation 10:2	arm's 52:13	bit 26:14 41:13 48:2
Exhibit 2 3:9 28:11	accurate 9:3 30:15	arrest 25:12	bleeding 27:2,4,5,13
Exhibit 3 3:11 31:24 32:2	activated 10:24 11:4	arrive 15:3 33:23	blood 18:25 27:9,11
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